

U.S.S.R.

The United States

010-342

U.S. REJECTS SOVIET CHARGES CONCERNING REFUSAL OF TWO RUSSIAN TEACHERS TO RETURN TO SOVIET UNION

Exequatur of Soviet Consul General at New York Revoked

NOTE OF THE DEPARTMENT OF STATE TO THE EMBASSY OF THE U.S.S.R.

The Department of State on August 20 released for publication the text of a note to the Embassy of the Union of Soviet Socialist Republics, delivered to the Soviet Embassy, Thursday, August 19, 1948, with reference to notes of August 9, 1948, and August 14, 1948, of the Embassy of the Union of Soviet Socialist Republics and to the note which Mr. Molotov handed to Ambassador Smith in Moscow on the night of August 11, 1948, with reference to Mrs. Oksana S. Kasenkina and to Mikhail I. Samarin, his wife, and three children

[Released to the press August 20]

The Department of State refers to the notes No. 143 of August 9, 1948, and No. 148 of August 14, 1948 of the Embassy of the Union of Soviet Socialist Republics and to the note which Mr. Molotov handed to Ambassador Smith in Moscow on the night of August 11, 1948 with reference to Mrs. Oksana S. Kasenkina and to Mikhail I. Samarin, his wife and three children.

In these communications and in the representations which the Ambassador has made to the Under Secretary of State, as well as in statements which have been made to the press by the Ambassador and Mr. Jacob Lomakin, the Soviet Consul General in New York City, charges of the most serious nature are made not only against individuals in this country, but also against the Government of the United States and state and federal officials. The reports of the investigation being made by the competent United States authorities which have been received by the Depart-

ment of State not only clearly demonstrate that these charges are unsubstantiated, but also indicate that officials of the Soviet Government have been engaged in conduct which is highly improper. The United States Government must categorically reject the charges and insinuations contained in these notes which have been found to be at complete variance with the facts. In this connection the Department of State desires to inform the Embassy of the Union of Soviet Socialist Republics as follows:

Mikhail I. Samarin

According to reports of the investigation made by the competent authorities Mikhail Samarin voluntarily appeared at the office of the Federal Bureau of Investigation in New York and stated he did not wish to return to the Soviet Union but desired to remain in the United States. After making this statement he left the office of the Federal Bureau of Investigation without leaving an address. He then made a statement to *The New York Times*,¹ which was published in that news-

¹ Following is the statement made on Aug. 10, 1948, to the *New York Times* by Mikhail Ivanovich Samarin:

I know that the Soviet Government and their representatives here will do their best to discredit my statement and my actions, and attempt, before public opinion, to make me appear as a traitor to my country, like a Fascist and a White Russian, but I don't pay attention to what they think.

Footnote continued on page 252

paper on August 10, 1948, corroborating his statement to the Federal Bureau of Investigation. It is clear that Mr. Samarin is acting on his own volition, and that he is free to get in touch with the Soviet Consulate General or the Soviet Embassy at any time he wishes. No information has been produced to substantiate the allegation contained in the Embassy's note of August 9 that Mr. Samarin and his family were forcibly removed from their apartment.

In the note which Mr. Molotov handed to Ambassador Smith on August 11, it was stated:

"On the tenth of August Under Secretary of State Lovett corroborated to the Soviet Ambassador in Washington that Samarin had been made subject to examination by the Federal Bureau of

(Footnote continued from page 251)

I don't mind what the Soviet Government will do or say and I decided to speak openly. Because of my family I am making this statement voluntarily. I don't wish to go back to the Soviet Union and am placing myself under the protection of the American Government and American public opinion.

I was born in 1908 in Moscow Province and graduated from the Pedagogical Institute in Moscow in 1935. Afterward I taught in several Moscow high schools from 1935 to 1941. At the beginning of the war I was mobilized by the army; I was a soldier in October, 1942, on the Stalingrad front.

I was fighting for my family and my people up to February, 1943, as a private. I was not fighting against Germany for the Soviet regime; I was fighting for my country. After the Stalingrad victory I was on the front before Kursk and in April, 1943, I was wounded and sent to a military hospital.

In November, 1943, the Soviet Government sent me to Washington, D. C., for a job as director and teacher of the Soviet Embassy School. With me came my wife, Klaudia, also my daughter, Helen, 8 years old.

In July, 1946, I was transferred to the Soviet School in New York, where I was a teacher up to the close of the school in July, 1948. In July, 1947, during my work in New York, my wife gave birth to twins, a boy and a girl.

During the period when I was working in the school I performed my duties faithfully as a teacher and gave my best efforts for the advancement of my pupils. During this time I did not indulge in any political activity and was never a member of the Communist party.

My parents were peasant farmers. Before I went to school I worked in a factory, a textile factory. When I was fighting for my country against Fascist Germany I saw lots of sacrifices by the Russian people and came to the conclusion that, during the war, the Soviet Government was not prepared economically and militarily.

During my life in Soviet Russia I had the opportunity

Investigation which thus is found to be connected with the organization which kidnapped Samarin, his wife and three children."

The Ambassador will recall that on the occasion referred to the Under Secretary merely read a press clipping to the effect that Mr. Samarin had voluntarily visited the New York Office of the Federal Bureau of Investigation. This information does not in any way support the allegation that there is any connection between the organization referred to in the Soviet Government's note as the Tolstoy Fund (presumably Tolstoy Foundation) and the Federal Bureau of Investigation, and this Government must categorically deny that any such connection exists. Moreover, this Government has no information which would justify

to observe the economic and political conditions under which my people live. I observed the policies of the Communist party, and its operations, and realized that their machinery was operating against the interests of my people.

During the war I, myself, like many others, had the idea that after the war the Soviet Government would give us a better life, politically and economically, and some freedom. But this was a great mistake—it did not happen. For this reason during my stay in the United States I decided not to return to the Soviet Union.

I don't like to sacrifice myself, my wife or my children for the interests of the Communist regime.

During my work here in the United States I was certain that the foreign policy of the Soviet Government was losing for us the sympathy of the outside world, and from this point I felt that the foreign policy of the Kremlin was creating the atmosphere for a new war. I realized that the party, police and Government machinery of the Soviet Union were operating against the best interests of my country and my people.

This time, if war happens, it will not be between the Soviet Union and fascism but between the Soviet Union and the democracies of Europe and the democracies of the United States.

During my life in the United States I recognized that the Soviet Government inculcated their people in Russia with a misunderstanding and hatred of the American people. After school closed I decided not to return to Russia because of the foregoing reasons.

I was never a professional politician. I was influenced in making this statement only by my conscience and moral motives, as well as my duty to my family. All that I want now is peace between our countries and a good life for my people and for myself. Like any individual I want to devote myself to a modest life for my family.

I have no desire for publicity, but after what happened when I was pursued by Soviet powers, I decided to make this statement.

the statement that the Tolstoy Foundation is engaged in criminal activity as alleged in the Embassy's note.

Oksana S. Kasenkina

The reports of the competent United States authorities show that Oksana Kasenkina on July 29, 1948 informed the editor of a Russian language newspaper in New York City that she did not wish to return to the Soviet Union. Through him arrangements were made for her to go to Reed Farm, Valley Cottage, New York which she did in a public autobus on July 31. According to her own statements, which are corroborated by the testimony of a number of persons, she went to the Farm voluntarily and stayed there of her own free will. She has stated that she wrote to the Soviet Consul General in New York informing him where she was but she denies stating that she was kidnapped. The full text of her letter has never been made available to the competent United States authorities although its production would have facilitated investigation of the charges made in the Embassy's note and it would be appreciated if a photostatic copy were furnished to this Department. This Department would also like to receive a photostatic copy of the letter which the New York police authorities found in Mrs. Kasenkina's room at the Consulate General and which was returned to the Consulate General unopened after it was ascertained that she had jumped from a window of the Consulate.

Mrs. Kasenkina has further stated that the interview which she gave to the press on August 7 was arranged by the Consulate General and that she was instructed to make false statements to the effect that she had been kidnapped.

Mrs. Kasenkina was interviewed at the hospital by Vice Consul Chepurnykh. As the Ambassador was advised on August 14, should she desire to see any other Soviet official she is completely free to do so but this Government will not compel her to do so nor will it turn her over against her will to the Soviet authorities. This Government recognizes the right of Soviet officials in the United States to take appropriate measures for the protection of the rights of Soviet citizens. Such Soviet citizens are, however, themselves entitled to the protection of the applicable laws of the United States and the Government of the United States cannot permit the exercise within the United States of the police power of any foreign government.

With reference to the Embassy's note of August 14, 1948 complaining of actions of the New York police authorities, this Department is informed that after Mrs. Kasenkina had jumped from a window of the Consulate General on August 12, Consul General Lomakin agreed to the suggestion of police officers that they inspect Mrs. Kasenkina's room, as well as the room from which she jumped. This inspection was carried out in the presence of the Consul General. In view of the circumstances, the Department of State considers the actions of the New York police authorities entirely proper.

From the foregoing it appears that the representations of the Soviet Government in regard to these cases have been based upon misinformation. In this connection the reports submitted to the Department of State show that the Soviet Consul General in New York, Mr. Y. I. Lomakin, after having made statements which were the basis of the serious charges against this Government and its officials, hindered the investigation of the competent police officials by refusing to allow them to interview Mrs. Kasenkina. This action was the more serious in view of the subsequent statements by Mrs. Kasenkina to the effect that she jumped from the window of the Consulate General in order to avoid having to return to the Soviet Union. In addition to the statement made by Mrs. Kasenkina that she was compelled to make in a press interview false statements which had been dictated to her, the Consul General has himself made or issued statements to the press which, in view of all the evidence available, the Department of State can only conclude were deliberately designed to mislead the American public in regard to a serious charge involving the United States Government. The United States Government considers that Consul General Lomakin's conduct constitutes an abuse of the prerogatives of his position and a gross violation of the internationally accepted standards governing the conduct of foreign officials.

The Department of State is therefore requesting the President to revoke the exequatur issued to Consul General Lomakin, and it is requested that he leave the United States within a reasonable time.

DEPARTMENT OF STATE,

WASHINGTON, August 19, 1948

[Signed] L

[Robert A. Lovett, Under Secretary of State]

August 29, 1948

**NOTES FROM THE EMBASSY OF THE U.S.S.R. TO THE
DEPARTMENT OF STATE**

August 9, 1948, No. 143

[Translation]

[Released to the press August 20]

The Embassy of the Union of Soviet Socialist Republics presents its compliments to the Department of State and has the honor to communicate the following:

On July 31, 1948 the sudden disappearance of the Soviet citizens Oksana Stepanovna Kasenkina, 51, a teacher by profession, and Mikhail Ivanovich Samarin, 40, a teacher by profession, with his wife Klavdia Mikhailovna Samarina and their children Tatiana, Elena, and Vladimir, was discovered. It must be pointed out that all the aforesaid persons were ready to depart from the U. S. A. for the Soviet Union on the steamship *Pobeda* on July 31 and had all the necessary official documents and passage tickets. However, for reasons unknown at that time, Kasenkina and Samarin with his family did not come to the steamship *Pobeda* at the moment of its departure, nor were they in the apartments occupied by them as has been subsequently ascertained.

On August 6 of this year Y. M. Lomakin, Consul General of the U.S.S.R. at New York, received a letter from O. S. Kasenkina in which she implored him to snatch her from the hands of the organization—the so-called “Tolstoy Fund”, to whose farm the “Reed Farm”, Valley Cottage 4, she had been forcibly carried from her apartment on July 31 of this year.

On the following day the Consul General of the U.S.S.R. at New York went to the address indicated by Kasenkina and, with his assistance, O. S. Kasenkina left the farm. In this connection it should be noted that heads of the organization, A. L. Tolstaya and M. A. Knutson, attempted to detain Kasenkina by force in spite of her categorical statement to them that she wished to leave with the Consul General and did not want to remain at the farm.

As O. S. Kasenkina has reported, the members of the organization, which is headed by A. Tolstaya and M. Knutson, kept after her long before

the day of her departure for the Soviet Union, trying to induce here by intimidation and threats not to return to her Fatherland. In this connection they did not even stop at applying a narcotic injection with the obvious purpose of weakening her consciousness and will. On the day of Kasenkina's intended departure for the Fatherland, members of this organization carried her away from her apartment to the farm mentioned above and forcibly kept her there. During Kasenkina's stay on the farm from July 31 to August 6, 1948, A. Tolstaya continued to intimidate Kasenkina and demanded that she write slanderous articles against her Fatherland, but Kasenkina rejected these base demands.

According to available information, M. I. Samarin and his family were also forcibly carried away from his apartment 3-B, 214 West 104th Street, New York, to the Kessel farm in the State of New Jersey on the night of July 30–31 by members of the same organization.

As is evident from communications of the American press of August 9, M. I. Samarin, after a week's stay at the Kessel farm, was turned over to the Federal Bureau of Investigation by the organization headed by Tolstaya.

The above-described cases of kidnaping of the Soviet citizens O. A. Kasenkina and M. I. Samarin and his family, as well as a number of other cases in connection with which the Embassy duly corresponded with the Department of State, bear witness to the fact that the organization headed by Tolstaya is systematically carrying on activities hostile to the Soviet Union, not stopping at the forcible seizure of Soviet citizens with the acquiescence of certain government agencies of the U.S.A., which must be well aware of the activities of the organization—the so-called “Tolstoy Fund”. In this connection the statement of A. L. Tolstaya to representatives of the press on August 8 of this year merits attention; from this statement it is clear that the so-called “Tolstoy Fund” has at its disposal an “underground” organization, the activities of which are directed toward preventing

the return of Soviet citizens to their Fatherland and which in such activities resorts to conspiratorial methods.

The Embassy of the U.S.S.R. in the U.S.A. considers that the attitude of the government agencies of the U.S.A. toward the above-mentioned criminal activities of the so-called "Tolstoy Fund" constitutes a direct violation of the obligations assumed by the Government of the U.S.A. on the basis of the exchange of letters of November 16, 1933 between the People's Commissar for Foreign Affairs of the U.S.S.R., M. M. Litvinov, and the President of the U.S.A., F. D. Roosevelt.²

On instructions from the Soviet Government the Embassy of the U.S.S.R. in the U.S.A. strongly protests the forcible seizure of the Soviet citizens O. S. Kasenkina and M. I. Samarin and his family by members of the "Tolstoy Fund" organization, as well as the toleration by government agencies of the U.S.A. of the criminal activities of this organization, which are clearly directed against the U.S.S.R. and which consist particularly in the prevention, by any forcible means, of the return of Soviet citizens to their Fatherland and in attempts to use them for purposes inimical to the Soviet Union.

The Embassy of the U.S.S.R. in the U.S.A. expects that measures will be taken by the Government of the U.S.A. for the immediate release of M. I. Samarin and his family and for their transfer to the protection of the Consulate General of the U.S.S.R. at New York until their departure for the Fatherland and insists on the discontinuation of activities of the so-called "Tolstoy Fund", which are incompatible with the obligations assumed by the Government of the U.S.A. with respect to the Soviet Union.

August 9, 1948.

Embassy of the Union of
Soviet Socialist Republics
WASHINGTON

[initialed] A. P.

[Alexander Panyushkin, Soviet Ambassador
to the United States]

[Translation]

August 14, 1948, No. 148

[Released to the press August 20]

The Embassy of the Union of Soviet Socialist Republics presents its compliments to the Department of State and has the honor to communicate the following:

August 20, 1948

On August 12, 1948 at 4:20 p.m., two New York City policemen, taking advantage of the fact that employees of the Consulate General had opened the door to the courtyard of the building occupied by the Consulate General where O. S. Kasenkina had jumped from a window, arbitrarily burst into the building of the Consulate General. At 4:30 p.m. four inspectors of the New York police headed by the Deputy Chief Inspector of Police, Conrad Rotingast, came to the Consulate General to learn from the Consul General, Y. M. Lomakin, the circumstances of Kasenkina's suicide attempt. However, instead of dealing with the Consul General the police inspectors, in spite of his protest, seized one of Kasenkina's personal letters which was in her personal bag. The aforesaid persons attempted to search Kasenkina's room and to question employees of the Consulate General.

By such acts the representatives of the New York police authorities violated the extraterritoriality of the building of the Consulate General of the U.S.S.R. in New York, the need for the observance of which is derived from international custom and from the norms of international law.

In connection with the foregoing, the Embassy of the U.S.S.R. in the U.S.A. manifests to the Department of State a protest against the violation of the extraterritoriality of the building of the Consulate General of the U.S.S.R. in New York by representatives of the authorities of the U.S.A., and insists that the persons guilty of such violation be brought to account. The Embassy of the U.S.S.R. in the U.S.A. also insists that the persons who permitted the other illegal acts indicated above be brought to account. The Embassy of the U.S.S.R. in the U.S.A. hopes that the Department of State will take measures that in the future will protect the Consulate General from illegal acts on the part of New York City police authorities, and that the Department will assure the extraterritoriality of the building of the Consulate General of the U.S.S.R. of New York.

August 14, 1948.

Embassy of the Union of
Soviet Socialist Republics
WASHINGTON

[initialed] A. P.

² *Post*, p. 257.

**NOTE HANDED TO AMBASSADOR WALTER BEDELL SMITH BY FOREIGN MINISTER V. M. MOLOTOV
IN MOSCOW AT MIDNIGHT, AUGUST 11**

[Released to the press August 20]

On the 31st of July a group of Soviet citizens were to have sailed from New York on the ship *Pobeda* to the Soviet Union, among whom were the teachers of the Soviet school in New York, O. C. Kasyenkina and M. I. Samarin with his wife K. M. Samarin and three small children, Tatiana, Elena, and Vladimir. The above-mentioned Soviet citizens did not appear up to the moment of the departure of the ship although they had previously paid for their tickets and had sent their baggage on to the ship. From information obtained it was revealed that the persons mentioned were not in their apartments, that Kasyenkina had left her apartment on the morning of the thirty-first and Samarin and his family during the night of the thirtieth to thirty-first of July.

Not until a week after the disappearance of Kasyenkina did the Soviet Consul in New York, Y. M. Lomakin, on the sixth of August by chance receive from her a note in which she stated that she was in the environs of New York on the Reid farm belonging to a bandit-White guard organization under the name of "Tolstoi Fund". In her note Kasyenkina requested the Soviet Consul to save her from the hands of the organization which by all kinds of threats and intimidations had tried to force her to refuse to return to her fatherland and to publish in the press a statement hostile toward the Soviet Union. Going to the address cited in the letter the Soviet Consul in New York actually discovered there Kasyenkina who expressed the desire to proceed immediately with him to the Soviet Consulate. In spite of this, the bandits from the organization "Tolstoi Fund" living on the farm tried forcibly to prevent Kasyenkina from leaving, which, however, they did not succeed in doing.

On August 7, at a press conference in the Consulate Kasyenkina stated that for a week she had been followed by unknown people of this kind,

one of whom called himself Doctor Korzhinski and the other Leo Costello, who had tried by way of threats and violence to induce her to refuse to return to her country. In so doing, Costello even resorted to violently administering a narcotic substance to Kasyenkina, clearly with the purpose of weakening her will to oppose him. On the morning of the 31 of July, Kasyenkina was abducted by the chauffeur of a car in which the above-mentioned Korzhinski visited her on this day. This machine delivered Kasyenkina to Riverside Drive, to the apartment of a White Guard Zenzinov, from which place she was transferred to Reid farm. At the time of her arrival at this farm, Kasyenkina heard from a member of a White Guard band called the "Tolstoi Fund", Alexandra Tolstoy, that Samarin and his family also were there not far away.

According to a statement of the New York correspondent of the United Press, Alexandra Tolstoy confirmed to this correspondent the share of her organization in the abduction of Samarin.

On the tenth of August Under Secretary of State Lovett corroborated to the Soviet Ambassador in Washington that Samarin had been made subject to examination by the Federal Bureau of Investigation which thus is found to be connected with the organization which kidnapped Samarin, his wife and three children.

Supplementary to the statement made by the Soviet Ambassador in Washington, I, on instructions from the Soviet Government, register protest against the toleration on the part of the authorities of the USA, of the criminal acts set forth above with regard to the Soviet citizens, Kasyenkina, Samarin and his family. The Soviet Government insists on the immediate release of Samarin and his family, on their surrender at once for return to their country to the Consulate General of the USSR in New York and also on the punishment of all persons who have taken part in the kidnapping of Soviet citizens.

Exchange of Communications Between President Franklin D. Roosevelt and Soviet Commissar for Foreign Affairs Maxim Litvinov, November 16, 1933³

MY DEAR MR. LITVINOV:

I am very happy to inform you that as a result of our conversations the Government of the United States has decided to establish normal diplomatic relations with the Government of the Union of Soviet Socialist Republics and to exchange ambassadors.

I trust that the relations now established between our peoples may forever remain normal and friendly, and that our nations henceforth may cooperate for their mutual benefit and for the preservation of the peace of the world.

I am, my dear Mr. Litvinov,
Very sincerely yours,

FRANKLIN D. ROOSEVELT

MY DEAR MR. PRESIDENT:

I am very happy to inform you that the Government of the Union of Soviet Socialist Republics is glad to establish normal diplomatic relations with the Government of the United States and to exchange ambassadors.

I, too, share the hope that the relations now established between our peoples may forever remain normal and friendly, and that our nations henceforth may cooperate for their mutual benefit and for the preservation of the peace of the world.

I am, my dear Mr. President,
Very sincerely yours,

MAXIM LITVINOFF

MY DEAR MR. PRESIDENT:

I have the honor to inform you that coincident with the establishment of diplomatic relations between our two Governments it will be the fixed policy of the Government of the Union of Soviet Socialist Republics:

1. To respect scrupulously the indisputable right of the United States to order its own life within its own jurisdiction in its own way and to refrain from interfering in any manner in the internal affairs of the United States, its territories or possessions.

2. To refrain, and to restrain all persons in government service and all organizations of the Government or under its direct or indirect control, including organizations in receipt of any financial assistance from it, from any act overt or covert liable in any way whatsoever to injure the tranquillity, prosperity, order, or security of the whole or any part of the United States, its territories or possessions, and, in particular, from any act tending to incite or encourage armed intervention, or any agitation or propaganda having as an aim, the violation of the territorial integrity of the United States, its terri-

tories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States, its territories or possessions.

3. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group—which makes claim to be the Government of, or makes attempt upon the territorial integrity of, the United States, its territories or possessions; not to form, subsidize, support or permit on its territory military organizations or groups having the aim of armed struggle against the United States, its territories or possessions, and to prevent any recruiting on behalf of such organizations and groups.

4. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group—which has as an aim the overthrow or the preparation for the overthrow of, or the bringing about by force of a change in, the political or social order of the whole or any part of the United States, its territories or possessions.

I am, my dear Mr. President,
Very sincerely yours,

MAXIM LITVINOFF

MY DEAR MR. LITVINOV:

I am glad to have received the assurance expressed in your note to me of this date that it will be the fixed policy of the Government of the Union of Soviet Socialist Republics:

1. To respect scrupulously the indisputable right of the United States to order its own life within its own jurisdiction in its own way and to refrain from interfering in any manner in the internal affairs of the United States, its territories or possessions.

2. To refrain, and to restrain all persons in government service and all organizations of the Government or under its direct or indirect control, including organizations in receipt of any financial assistance from it, from any act overt or covert liable in any way whatsoever to injure the tranquillity, prosperity, order, or security of the whole or any part of the United States, its territories or possessions, and, in particular, from any act tending to incite or

³ This exchange of communications appeared in *Establishment of Diplomatic Relations With the Union of Soviet Socialist Republics*, Department of State publication 528, printed in 1933, which is in process of being reprinted.

encourage armed intervention, or any agitation or propaganda having as an aim, the violation of the territorial integrity of the United States, its territories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States, its territories or possessions.

3. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group—which makes claim to be the Government of, or makes attempt upon the territorial integrity of, the United States, its territories or possessions; not to form, subsidize, support or permit on its territory military organizations or groups having the aim of armed struggle against the United States, its territories or possessions, and to prevent any recruiting on behalf of such organizations and groups.

4. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group—which has as an aim the overthrow or the preparation for the overthrow of, or the bringing about by force of a change in, the political or social order of the whole or any part of the United States, its territories or possessions.

It will be the fixed policy of the Executive of the United States within the limits of the powers conferred by the Constitution and the laws of the United States to adhere reciprocally to the engagements above expressed.

I am, my dear Mr. Litvinov,
Very sincerely yours,

FRANKLIN D. ROOSEVELT

MY DEAR MR. LITVINOV:

As I have told you in our recent conversations, it is my expectation that after the establishment of normal relations between our two countries many Americans will wish to reside temporarily or permanently within the territory of the Union of Soviet Socialist Republics, and I am deeply concerned that they should enjoy in all respects the same freedom of conscience and religious liberty which they enjoy at home.

As you well know, the Government of the United States, since the foundation of the Republic, has always striven to protect its nationals, at home and abroad, in the free exercise of liberty of conscience and religious worship, and from all disability or persecution on account of their religious faith or worship. And I need scarcely point out that the rights enumerated below are those enjoyed in the United States by all citizens and foreign nationals and by American nationals in all the major countries of the world.

The Government of the United States, therefore, will expect that nationals of the United States of America within the territory of the Union of Soviet Socialist Republics will be allowed to conduct without annoyance or molestation of any kind religious services and rites of a ceremonial

nature, including baptismal, confirmation, communion, marriage and burial rites, in the English language, or in any other language which is customarily used in the practice of the religious faith to which they belong, in churches, houses, or other buildings appropriate for such service, which they will be given the right and opportunity to lease, erect or maintain in convenient situations.

We will expect that nationals of the United States will have the right to collect from their co-religionists and to receive from abroad voluntary offerings for religious purposes; that they will be entitled without restriction to impart religious instruction to their children, either singly or in groups, or to have such instruction imparted by persons whom they may employ for such purpose; that they will be given and protected in the right to bury their dead according to their religious customs in suitable and convenient places established for that purpose, and given the right and opportunity to lease, lay out, occupy and maintain such burial grounds subject to reasonable sanitary laws and regulations.

We will expect that religious groups or congregations composed of nationals of the United States of America in the territory of the Union of Soviet Socialist Republics will be given the right to have their spiritual needs ministered to by clergymen, priests, rabbis or other ecclesiastical functionaries who are nationals of the United States of America, and that such clergymen, priests, rabbis or other ecclesiastical functionaries will be protected from all disability or persecution and will not be denied entry into the territory of the Soviet Union because of their ecclesiastical status.

I am, my dear Mr. Litvinov,
Very sincerely yours,

FRANKLIN D. ROOSEVELT

MY DEAR MR. PRESIDENT:

In reply to your letter of November 16, 1933, I have the honor to inform you that the Government of the Union of Soviet Socialist Republics as a fixed policy accords the nationals of the United States within the territory of the Union of Soviet Socialist Republics the following rights referred to by you:

1. The right to "free exercise of liberty of conscience and religious worship" and protection "from all disability or persecution on account of their religious faith or worship".

This right is supported by the following laws and regulations existing in the various republics of the Union:

"Every person may profess any religion or none. All restrictions of rights connected with the profession of any belief whatsoever, or with the non-profession of any belief, are annulled." (Decree of Jan. 23, 1918, art. 3.)

"Within the confines of the Soviet Union it is prohibited to issue any local laws or regulations restricting or limiting freedom of conscience, or establishing privileges or preferential rights of any kind based upon the religious profession of any person." (Decree of Jan. 23, 1918, art. 2.)

2. The right to "conduct without annoyance or molestation of any kind religious services and rites of a ceremonial nature".

This right is supported by the following laws:

"A free performance of religious rites is guaranteed as long as it does not interfere with public order and is not accompanied by interference with the rights of citizens of the Soviet Union. Local authorities possess the right in such cases to adopt all necessary measures to preserve public order and safety." (Decree of Jan. 23, 1918, art. 5.)

"Interference with the performance of religious rites, in so far as they do not endanger public order and are not accompanied by infringements on the rights of others is punishable by compulsory labour for a period up to six months." (Criminal Code, art. 127.)

3. "The right and opportunity to lease, erect or maintain in convenient situations" churches, houses or other buildings appropriate for religious purposes.

This right is supported by the following laws and regulations:

"Believers belonging to a religious society with the object of making provision for their requirements in the matter of religion may lease under contract, free of charge, from the Sub-District or District Executive Committee or from the Town Soviet, special buildings for the purpose of worship and objects intended exclusively for the purposes of their cult." (Decree of April 8, 1929, art. 10.)

"Furthermore, believers who have formed a religious society or a group of believers may use for religious meetings other buildings which have been placed at their disposal on lease by private persons or by local Soviets and Executive Committees. All rules established for houses of worship are applicable to these buildings. Contracts for the use of such buildings shall be concluded by individual believers who will be held responsible for their execution. In addition, these buildings must comply with the sanitary and technical building regulations." (Decree of April 8, 1929, art. 10.)

"The place of worship and religious property shall be handed over for the use of believers forming a religious society under a contract concluded in the name of the competent District Executive Committee or Town Soviet by the competent administrative department or branch, or directly by the Sub-District Executive Committee." (Decree of April 8, 1929, art. 15.)

"The construction of new places of worship may take place at the desire of religious societies provided that the usual technical building regulations and the special regulations laid down by the People's Commissariat for Internal Affairs are observed." (Decree of April 8, 1929, art. 45.)

4. "The right to collect from their co-religionists . . . voluntary offerings for religious purposes."

This right is supported by the following law:

"Members of groups of believers and religious societies may raise subscriptions among themselves and collect voluntary offerings, both in the place of worship itself and outside it, but only amongst the members of the religious

association concerned and only for purposes connected with the upkeep of the place of worship and the religious property, for the engagement of ministers of religion and for the expenses of their executive body. Any form of forced contribution in aid of religious associations is punishable under the Criminal Code." (Decree of April 8, 1929, art. 54.)

5. Right to "impart religious instruction to their children either singly or in groups or to have such instruction imparted by persons whom they may employ for such purpose."

This right is supported by the following law:

"The school is separated from the Church. Instruction in religious doctrines is not permitted in any governmental and common schools, nor in private teaching institutions where general subjects are taught. Persons may give or receive religious instruction in a private manner." (Decree of Jan. 23, 1918, art. 9.)

Furthermore, the Soviet Government is prepared to include in a consular convention to be negotiated immediately following the establishment of relations between our two countries provisions in which nationals of the United States shall be granted rights with reference to freedom of conscience and the free exercise of religion which shall not be less favorable than those enjoyed in the Union of Soviet Socialist Republics by nationals of the nation most favored in this respect. In this connection, I have the honor to call to your attention Article 9 of the Treaty between Germany and the Union of Soviet Socialist Republics, signed at Moscow October 12, 1925, which reads as follows:

"Nationals of each of the Contracting Parties . . . shall be entitled to hold religious services in churches, houses or other buildings, rented, according to the laws of the country, in their national language or in any other language which is customary in their religion. They shall be entitled to bury their dead in accordance with their religious practice in burial-grounds established and maintained by them with the approval of the competent authorities, so long as they comply with the police regulations of the other Party in respect of buildings and public health."

Furthermore, I desire to state that the rights specified in the above paragraphs will be granted to American nationals immediately upon the establishment of relations between our two countries.

Finally, I have the honor to inform you that the Government of the Union of Soviet Socialist Republics, while reserving to itself the right of refusing visas to Americans desiring to enter the Union of Soviet Socialist Republics on personal grounds, does not intend to base such refusals on the fact of such persons having an ecclesiastical status.

I am, my dear Mr. President,

Very sincerely yours,

MAXIM LITVINOFF

MY DEAR MR. PRESIDENT:

Following our conversations I have the honor to inform you that the Soviet Government is prepared to include in

August 29, 1948

259

a consular convention to be negotiated immediately following the establishment of relations between our two countries provisions in which nationals of the United States shall be granted rights with reference to legal protection which shall not be less favorable than those enjoyed in the Union of Soviet Socialist Republics by nationals of the nation most favored in this respect. Furthermore, I desire to state that such rights will be granted to American nationals immediately upon the establishment of relations between our two countries.

In this connection I have the honor to call to your attention Article 11 and the Protocol to Article 11, of the Agreement Concerning Conditions of Residence and Business and Legal Protection in General concluded between Germany and the Union of Soviet Socialist Republics on October 12, 1925.

"ARTICLE 11

"Each of the Contracting Parties undertakes to adopt the necessary measures to inform the consul of the other Party as soon as possible whenever a national of the country which he represents is arrested in his district.

"The same procedure shall apply if a prisoner is transferred from one place of detention to another."

"FINAL PROTOCOL

"Ad Article 11.

"1. The Consul shall be notified either by a communication from the person arrested or by the authorities themselves direct. Such communications shall be made within a period not exceeding seven times twenty-four hours, and in large towns, including capitals of districts, within a period not exceeding three times twenty-four hours.

"2. In places of detention of all kinds, requests made by consular representatives to visit nationals of their country under arrest, or to have them visited by their representatives, shall be granted without delay. The consular representative shall not be entitled to require officials of the courts or prisons to withdraw during his interview with the person under arrest."

I am, my dear Mr. President,
Very sincerely yours,

MAXIM LITVINOFF

MY DEAR MR. LITVINOV:

I thank you for your letter of November 16, 1933, informing me that the Soviet Government is prepared to grant to nationals of the United States rights with reference to legal protection not less favorable than those enjoyed in the Union of Soviet Socialist Republics by nationals of the nation most favored in this respect. I have noted the provisions of the treaty and protocol concluded between Germany and the Union of Soviet Socialist Republics on October 12, 1925.

I am glad that nationals of the United States will enjoy the protection afforded by these instruments immediately upon the establishment of relations between our countries

and I am fully prepared to negotiate a consular convention covering these subjects as soon as practicable. Let me add that American diplomatic and consular officers in the Soviet Union will be zealous in guarding the rights of American nationals, particularly the right to a fair, public and speedy trial and the right to be represented by counsel of their choice. We shall expect that the nearest American diplomatic or consular officer shall be notified immediately of any arrest or detention of an American national, and that he shall promptly be afforded the opportunity to communicate and converse with such national.

I am, my dear Mr. Litvinov,
Very sincerely yours,

FRANKLIN D. ROOSEVELT

In reply to a question of the President in regard to prosecutions for economic espionage, Mr. Litvinov gave the following explanation:

"The widespread opinion that the dissemination of economic information from the Union of Soviet Socialist Republics is allowed only in so far as this information has been published in newspapers or magazines, is erroneous. The right to obtain economic information is limited in the Union of Soviet Socialist Republics, as in other countries, only in the case of business and production secrets and in the case of the employment of forbidden methods (bribery, theft, fraud, etc.) to obtain such information. The category of business and production secrets naturally includes the official economic plans, in so far as they have not been made public, but not individual reports concerning the production conditions and the general conditions of individual enterprises.

"The Union of Soviet Socialist Republics has also no reason to complicate or hinder the critical examination of its economic organization. It naturally follows from this that every one has the right to talk about economic matters or to receive information about such matters in the Union, in so far as the information for which he has asked or which has been imparted to him is not such as may not, on the basis of special regulations issued by responsible officials or by the appropriate state enterprises, be made known to outsiders. (This principle applies primarily to information concerning economic trends and tendencies.)"

MY DEAR MR. PRESIDENT:

Following our conversations I have the honor to inform you that the Government of the Union of Soviet Socialist Republics agrees that, preparatory to a final settlement of the claims and counter claims between the Governments of the Union of Soviet Socialist Republics and the United States of America and the claims of their nationals, the Government of the Union of Soviet Socialist Republics will not take any steps to enforce any decisions of courts or initiate any new litigations for the amounts admitted to be due or that may be found to be due it, as the successor

of prior Governments of Russia, or otherwise, from American nationals, including corporations, companies, partnerships, or associations, and also the claim against the United States of the Russian Volunteer Fleet, now in litigation in the United States Court of Claims, and will not object to such amounts being assigned and does hereby release and assign all such amounts to the Government of the United States, the Government of the Union of Soviet Socialist Republics to be duly notified in each case of any amount realized by the Government of the United States from such release and assignment.

The Government of the Union of Soviet Socialist Republics further agrees, preparatory to the settlement referred to above not to make any claim with respect to:

- (a) judgments rendered or that may be rendered by American courts in so far as they relate to property, or rights, or interests therein, in which the Union of Soviet Socialist Republics or its nationals may have had or may claim to have an interest; or,
- (b) acts done or settlements made by or with the Government of the United States, or public officials in the United States, or its nationals, relating to property, credits, or obligations of any Government of Russia or nationals thereof.

I am, my dear Mr. President,
Very sincerely yours,

MAXIM LITVINOFF

MY DEAR MR. LITVINOV:

I am happy to acknowledge the receipt of your letter of November 16, 1933, in which you state that:

"The Government of the Union of Soviet Socialist Republics agrees that, preparatory to a final settlement of the claims and counter claims between the Governments of the Union of Soviet Socialist Republics and the United States of America and the claims of their nationals, the Government of the Union of Soviet Socialist Republics will not take any steps to enforce any decisions of courts or initiate any new litigations for the amounts admitted to be due or that may be found to be due it, as the successor of prior Governments of Russia, or otherwise, from American nationals, including corporations, companies, partnerships, or associations, and also the claim against the United States of the Russian Volunteer Fleet, now in litigation in the United States Court of Claims, and will not object to such amounts being assigned and does

hereby release and assign all such amounts to the Government of the United States, the Government of the Union of Soviet Socialist Republics to be duly notified in each case of any amount realized by the Government of the United States from such release and assignment.

"The Government of the Union of Soviet Socialist Republics further agrees, preparatory to the settlement referred to above, not to make any claim with respect to:

- (a) judgments rendered or that may be rendered by American courts in so far as they relate to property, or rights, or interests therein, in which the Union of Soviet Socialist Republics or its nationals may have had or may claim to have an interest; or,
- (b) acts done or settlements made by or with the Government of the United States, or public officials in the United States, or its nationals, relating to property, credits or obligations of any Government of Russia or nationals thereof."

I am glad to have these undertakings by your Government and I shall be pleased to notify your Government in each case of any amount realized by the Government of the United States from the release and assignment to it of the amounts admitted to be due, or that may be found to be due, the Government of the Union of Soviet Socialist Republics, and of the amount that may be found to be due on the claim of the Russian Volunteer Fleet.

I am, my dear Mr. Litvinov,
Very sincerely yours,

FRANKLIN D. ROOSEVELT

MY DEAR MR. PRESIDENT:

I have the honor to inform you that, following our conversations and following my examination of certain documents of the years 1918 to 1921 relating to the attitude of the American Government toward the expedition into Siberia, the operations there of foreign military forces and the inviolability of the territory of the Union of Soviet Socialist Republics, the Government of the Union of Soviet Socialist Republics agrees that it will waive any and all claims of whatsoever character arising out of activities of military forces of the United States in Siberia, or assistance to military forces in Siberia subsequent to January 1, 1918, and that such claims shall be regarded as finally settled and disposed of by this agreement.

I am, my dear Mr. President,
Very sincerely yours,

MAXIM LITVINOFF

POSITION ON STATUS OF MRS. OKSANA KASENKINA

Letter From the Legal Adviser of the Department of State to the Justice of the New York Supreme Court

[Released to the press August 19]
August 18, 1948

MY DEAR MR. JUSTICE: Pursuant to our conversation this morning, I respectfully transmit to you

August 29, 1948

the position of the United States Government concerning the status of Mrs. Oksana Stepanova Kosenkina, who is the subject of an application for a writ of habeas corpus now pending before your court.

It is the view of the United States Government

that there is no basis under international law or under any law of the United States for considering that Mrs. Kosenkina is in any manner subject to the control or authority of the Soviet Government so long as she remains in this country. The Department of State already has advised the Soviet Embassy that Mrs. Kosenkina will not be placed under control of any person against her own will. The Department has also advised the Soviet Embassy that although it recognizes the

right of the Soviet Government, through its officials abroad to extend all proper assistance and protection to Soviet nationals, this right does not include authority to take charge of Soviet citizens in this country irrespective of their wishes.

Sincerely yours,

ERNEST A. GROSS,
The Legal Adviser

The Honorable SAMUEL DICKSTEIN,
*Justice, Supreme Court,
New York, New York.*

UNITED NATIONS DAY

October 24, 1948

To be observed by the United States and all other fifty-seven countries that are members of the United Nations

The General Assembly of the United Nations on October 31, 1947, adopted a resolution naming October 24—the day the Charter of the United Nations came into effect—as United Nations Day and invited all member governments to cooperate in observing it. The resolution declares that the day “shall be devoted to making known to the peoples of the world the aims and achievements of the United Nations and to gaining their support for the work of the United Nations.”

Secretary of State George C. Marshall has appointed a National Citizens' Committee to promote the observance of United Nations Day in this country. That Committee is asking the people of every state and every community in the country to organize programs for United Nations Day. The Committee is also working in close cooperation with the United Nations, the Department of State, the UNESCO National Commission, and the United States Mission to the United Nations. Their material and plans will be available for communities through the state United Nations Day organizations. The Committee urges every citizen to start now to work for his state and local Citizens' Committee, church, and peace organizations, clubs, branch of the American Association for the United Nations, and county agent to make the first United Nations Day a day when all the people of the United States demonstrate their faith in a free, democratic brotherhood of nations.

Lists of United States Department of State publications dealing with the United Nations may be obtained from the Division of Publications, Department of State, Washington 25, D.C. Four such publications of immediate interest to United Nations Day are: *Guide to the United States and the United Nations*; *United Nations: Three Years of Achievement*; *Foreign Affairs Outline No. 17, The United Nations in Action*; and *Peace Takes Practice* (a wall poster).

The Department of Public Information of the United Nations, in cooperation with the information services of the specialized agencies, will make special services available in various languages to newspapers, radio stations, cinema theaters, and schools.